



Senate

General Assembly

File No. 621

January Session, 2007

Substitute Senate Bill No. 1389

Senate, April 30, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE TOLLING OF THE STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BY A MINOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-584 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) No action to recover damages for injury to the person, or to real
4 or personal property, caused by negligence, or by reckless or wanton
5 misconduct, or by malpractice of a physician, surgeon, dentist,
6 podiatrist, chiropractor, hospital or sanatorium, shall be brought but
7 within two years from the date when the injury is first sustained or
8 discovered or in the exercise of reasonable care should have been
9 discovered, and except that no such action may be brought more than
10 three years from the date of the act or omission complained of, except
11 that a counterclaim may be interposed in any such action any time
12 before the pleadings in such action are finally closed.

13 (b) Notwithstanding the time limitation to bring an action under

14 subsection (a) of this section, if a person entitled to bring such an
15 action, other than for the recovery of real property or a penalty or
16 forfeiture, is unable to bring such action because such person is under
17 eighteen years of age on the date the cause of action accrued, such
18 person may bring such action within one year from the date such
19 person attains eighteen years of age, except that no such action may be
20 brought more than eight years from the date of the act or omission
21 complained of.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	52-584
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JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Any caseload increase under the bill could be accommodated by the Judicial Department without requiring additional resources. Relatively few additional civil cases are anticipated under the bill since current law allows guardians or parents to sue on behalf of injured minors.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 1389

***AN ACT CONCERNING THE TOLLING OF THE STATUTE OF
LIMITATIONS FOR A NEGLIGENCE ACTION BY A MINOR.***

SUMMARY:

This bill allows 18-year-olds with childhood injuries caused by another person's negligence to file suit in their own name for money damages when the state's statute of limitations would otherwise bar this.

The lawsuit must be filed (1) before their 19th birthday and (2) no more than eight years after the negligence occurred.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/13/2007)